

REMARKS

Claims 1, 2, 4, 5 and 10-13 are pending in the present application. Claims 1, 2, 5, 10, 11 and 12 have been amended herein. Claims 7-9 have been cancelled herein.

I. PRIOR ART REJECTIONS

A. Claims 1, 2, 4, 7, 8, 10; 11, and 13

Claims 1, 2 and 4 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,773,996 (Suzawa). This rejection is traversed.

Suzawa discloses a method for reducing the number of photoresist masks required in order to reduce the cost of semiconductor manufacturing. Critical to accomplishing this goal is forming self-aligning structures (see col. 3, lines 16-24). The self-aligning structures are tapered gate electrodes. The tapered gate electrode is used as a mask such that an impurity is doped with self-alignment (see col. 4, line 31 to col. 5, line 6). If the gate electrode of Suzawa is not tapered, the central purpose of a self-aligning structure is defeated. Thus, Suzawa teaches away from forming a sidewall that approaches vertical. Accordingly, Applicant submits that Suzawa does not teach or suggest that, *inter alia*, the ratio of the flow rate of the NF<sub>3</sub> to the flow rate of the sum of the SiCl<sub>4</sub> and the NF<sub>3</sub> is approximately 1 to approximately 30 % such that the conductive layer is etched to be substantially

vertical, as recited by claims 1, 2 and 5. In contrast, Suzawa discloses an angle of 5 – 60 degrees to act as a self-aligning structure.

Since Suzawa teaches away from the claimed structure, i.e., does not teach or suggest each and every feature, of claims 1, 2 and 5, Applicant submits that the rejection of claims 1, 2, 5 and each claim depending therefrom under 35 U.S.C. § 102(e) is overcome and respectfully requests that it be withdrawn.

B. Claims 5, 9 and 12

Claims 5, 9 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzawa in view of JP 2001-298193 (JP '193).

Claim 9 has been cancelled herein. Therefore, the rejection of claim 9 is moot. As presented above, Applicant submits that Suzawa teaches away from the claimed structure of, *inter alia*, the flow rate of the NF<sub>3</sub> to the flow rate of the sum of the SiCl<sub>4</sub> and the NF<sub>3</sub> is approximately 1 to approximately 30 % such that the conductive layer is etched to be substantially vertical. JP '193 fails to make up for this deficiency of Suzawa. Therefore, the combination of Suzawa and JP '193 does not form the invention defined by claim 5. Thus, Applicant submits that the rejection of claim 5 and claim 12 depending therefrom under 35 U.S.C. § 103(a) is overcome and respectfully requests that it be withdrawn.

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Based on the foregoing, Applicant submits that the present application is in condition for allowance. Applicant kindly requests the Examiner to contact the undersigned at the phone number listed below to discuss this application, if the Examiner feels that such discussion may expedite prosecution of the present application.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,

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Customer No.: 21874

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